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OFFICE OF PETITIONS

In re Application of :
Injong Rhee : DECISION ON PETITION
Application No. 09/989,957 :
Filed: November 21, 2001 :
Atty Docket No. 297/123/2 :

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181(a) AND M.P.E.P. § 711.03(c)" filed October 23, 2006.

The above-identified application became abandoned for failure to timely pay the issue fee and publication fee within the three-month statutory period set in the Notice of Allowance and Fee(s) Due mailed April 26, 2006. The period for transmitting the issue fee is not extendable. No reply having been received, the above-identified application became abandoned on July 27, 2006. A courtesy Notice of Abandonment was mailed on October 3, 2006.

Applicant asserts that on June 23, 2006, they filed a Request for Continued Examination (RCE) and an Information Disclosure Statement (IDS). In support thereof, applicants submitted copies of the Express Mail mailing label utilized, their return postcard listing the contents of the June 23, 2006 filing, the RCE, the IDS and the documents cited in the IDS.

A postcard receipt, which itemizes and properly identifies the items, which are being filed, serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date

stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the USPTO on June 23, 2006; 2) it specifically identifies the items being filed, including "Request for Continued Examination (RCE) Transmittal" and "Information Disclosure Statement (IDS)" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. The evidence shows that an RCE and submission were submitted prior to the due date for the Issue Fee and Publication Fee.


Accordingly, the Notice of Abandonment mailed October 3, 2006 is hereby **VACATED** and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2616 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment, for processing of the RCE and IDS re-supplied on petition filed October 23, 2006 and thereafter, for consideration by the examiner of the RCE and IDS re-supplied on petition filed October 23, 2006.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" and last name "Johnson" clearly distinguishable.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions